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UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
 Plaintiff,  
 vs.  
 STEVEN CHAVEZ DURAN,  
 Defendant.

CASE NO.: CR 07-00109 JW

STIPULATION OF THE PARTIES'  
 TO CONTINUE EVIDENTIARY  
 HEARING RE SAFETY-VALVE &  
~~PROPOSED~~ ORDER RE SAME.

At the request of Defendant Steven Duran, the parties, through their respective counsel, hereby stipulate to request that the Court continue the evidentiary hearing scheduled on Friday, January 9, 2009, at 1:00 p.m., before the Honorable James Ware, Judge of the United States District Court for the Northern District of California, to January 30, 2009, at 1:30 P.M.

The hearing is intended to cover the issue of whether or not Defendant Duran had been truthful in his safety-valve debriefing regarding his history (or the lack of) of drug trafficking in the Salinas area. Since the last court hearing, Defendant Duran and his counsel (and their investigator) have been attempting to locate witnesses who can offer rebuttal testimony to those proffered by Confidential Sources on whom the Government will rely in proving that Mr. Duran had not been truthful during his safety-valve debriefing.

Mr. Duran represents that last week, the Defense finally successfully contacted a witness who can provide information, evidence, and leads on this issue for the defense. In

order to pursue this lead, the Defense respectfully requests that the Court continue the January 9, 2009 hearing for a short period of time so that the Defense can attempt to complete its investigation and preparation.

The Government does not oppose this request for a continuance. Accordingly, the parties jointly stipulate to request that the Court continue the evidentiary hearing from January 9, 2009 for a period of approximately two weeks, to the week of January 19 or January 26, 2009. Correspondingly, the actual sentencing hearing (presently scheduled on January 26, 2009) should be continued to February 9, 2009, at 1:30 p.m. It is so stipulated.

DATED: 1/3/09

/S/  
by JERRY FONG, ESQ., for  
Defendant STEVEN DURAN

DATED: 1/4/09

/S/  
by SUSAN JERICH, AUSA, for  
Plaintiff UNITED STATES OF AMERICA

IT IS SO ORDERED AS MODIFIED

Pursuant to the Stipulation of the Parties, and good cause appearing herein, it is hereby ordered that the evidentiary hearing scheduled on January 9, 2009 at 1:30 p.m. shall be continued to January 30, 2009 at 1:30 PM, and the sentencing hearing shall be continued to February 9, 2009 at 1:30 p.m. It is so ordered.

DATED: January 5, 2009

  
JUDGE OF THE UNITED STATES  
DISTRICT COURT